

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,	)	No. CR 04-328-3 PHX NVW
	)	
Plaintiff/Respondent,	)	No. CV 05-2472 PHX NVW (MEA)
	)	
vs.	)	<b>ORDER</b>
	)	
Guadalupe Arrendondo Zazueta,	)	
	)	
Defendant/Movant.	)	
	)	

Before the Court are Defendant's Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 (doc. # 193) and the government's Response (doc. # 198). On April 25, 2006, United States Magistrate Judge Mark E. Aspey issued a Report and Recommendation ("R & R") (doc. # 199) recommending that the Defendant's Motion to Vacate, Set Aside, or Correct Sentence be denied and dismissed with prejudice. No objections to the R & R were filed.


The Court has reviewed the R & R and agrees with the magistrate judge's determinations. Accordingly, the Court will accept the R & R and dismiss the Motion to Vacate, Set Aside or Correct Sentence. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge").

IT IS THEREFORE ORDERED accepting the Report and Recommendation of Magistrate Judge Aspey (doc. # 199).

1 IT IS FURTHER ORDERED that Defendant's Motion to Vacate, Set Aside, or  
2 Correct Sentence pursuant to 28 U.S.C. Section 2255 (doc. # 193) is denied and dismissed  
3 with prejudice.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
5 accordingly and terminate this action.

6 DATED this 22<sup>nd</sup> day of May 2006.

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11 Neil V. Wake  
12 United States District Judge  
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